

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4014**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICHARD LAWSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Parkersburg. Joseph Robert Goodwin, District Judge. (CR-03-177)

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Submitted: October 21, 2005

Decided: December 12, 2005

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Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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George J. Cosenza, COSENZA & MERRIMAN, PLLC, Parkersburg, West Virginia, for Appellant. Kasey Warner, United States Attorney, Joshua C. Hanks, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Richard Lawson was found guilty by a jury on February 25, 2004, of possessing a firearm as a convicted felon in violation of 18 U.S.C. § 922(g) (2000) (Count 1), and attempting to manufacture methamphetamine in violation of 21 U.S.C. § 846 (2000) (Count 3). Lawson was present for the first day of his trial on February 24, 2004, but absconded thereafter and has remained at large since. Lawson was sentenced in absentia to 262 months of imprisonment for Count 1 and to 240 months concurrently for Count 3. Lawson's attorney timely filed an appeal. For the reasons that follow, we dismiss.

Although we have jurisdiction to consider the appeal, Molinaro v. New Jersey, 396 U.S. 365, 366 (1970), we find that Lawson's escape status during the pendency of his appeal "'disentitles the defendant to call upon the resources of the Court for determination of his claims.'" Ortega-Rodriguez v. United States, 507 U.S. 234, 240 (1993) (quoting Molinaro, 396 U.S. at 366). Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED